

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Geneva Gile

v.

Civil No. 11-cv-320-JD

Megan Lemire

O R D E R

Geneva Gile filed suit against Megan Lemire, alleging claims arising from an automobile accident. Lemire filed a motion to compel certain discovery responses. Gile objects to the motion.

In the motion, objection, and reply, the parties both discuss their agreement to proceed through binding arbitration. The parties' discussions in the motion, objection, and reply raise the discovery requirements under their arbitration agreement and the effect of various discovery delays on their efforts to arbitrate. Neither party has moved to compel arbitration.

Gile filed a copy of the arbitration agreement with her objection to Lemire's motion to compel. The copy of the agreement states that the parties have agreed to submit "this matter to binding, private arbitration" and that "[t]he arbitration is for the purpose of determining damages." The arbitration agreement requires Gile to provide certain medical documentation and authorizations, provides a deadline for Lemire

to schedule an IME as long as Gile has fulfilled her obligations, and provides a deadline for the hearing "so long as all pertinent records have been timely provided."

In light of the parties' agreement to arbitrate, it is unclear why this suit should not be dismissed in favor of arbitration. Further, to the extent Lemire intended to proceed under the terms of the arbitration agreement or to seek relief pertaining to the agreement, she has not made that clear.

Conclusion

For the foregoing reasons, the defendant's motion to compel (document no. 17) is denied without prejudice. The defendant shall file a memorandum, not to exceed fifteen pages, to show cause why this case should not be dismissed in light of the parties' agreement to submit the case for binding arbitration. The defendant's memorandum shall be filed **on or before August 17, 2012**. The plaintiff shall file a response **within ten days of service of the defendant's memorandum**.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

August 8, 2012

cc: Elizabeth L. Hurley, Esquire
Vincent Illuzzi, Esquire
Timothy J. Wells, Esquire